

the band pass filters. The Examiner identifies band pass filters 19–23 (FIG. 1) and summing junction 33a.

Claim 1 recites a multiplex circuit. No such apparatus is identified in the Berkley et al. patent.

Claim 1 recites a control means. The Examiner refers to control unit 18 (FIG. 1). Control unit 18 controls clipper circuits 24–28. There is no disclosure of a control means coupled to a multiplex circuit.

The Examiner asserts that control unit 18 couples a sub-set of the filters to the summation circuit, citing column 3, lines 26–27. Column 3, lines 26–27, contains the following sentence fragment, “consists of a speech processor unit 17 and an echo signal-responsive control unit 18.” There is no disclosure in the Berkley et al. patent of coupling a subset of band pass filters to summing junction 33a.

Claim 2 recites that the band pass filters have a pass band of one half octave or less. The Examiner refers to column 5, lines 5–7 of the Berkley et al. patent, which disclose “Advantageously, for the four lowest-frequency filters ... 1–octave filters may be used.” The quoted language is **directly contrary** to the assertion of the Examiner.

Column 5, lines 7–10, of the Berkley et al. patent disclose that “A $1/3$ octave filter ... may advantageously be used at the top of the frequency band to complete the five–channel system.” Thus, the Berkley et al. patent discloses using a **single** filter having a pass band of one half octave or less.

Claims 3, 4, and 5 were rejected as anticipated by Petri et al. Claim 3 recites “a method for providing full duplex operation in a two channel audio system.” The Petri et al. patent describes a half–duplex or simplex system, wherein the direction of transmission is automatically changed depending upon who is talking; column 1, lines 1–25, and column 5, lines 26–47. It is respectfully submitted that the Petri et al. patent does not anticipate even the preamble of independent claim 3.

Claim 3 recites “allocating the signals ... in accordance with the magnitudes of the signals in each band.” The Petri et al. patent discloses that “All intermediary values bring about attenuation [sic] in both directions in such manner that their sum remains equal to the maximum value.” This is not allocating signals, this is having signals in the same band in both channels.

Claim 4 recites "suppressing the signal with the lesser magnitude from the channel output for that band." The Petri et al. patent discloses that "All intermediary values bring about attenuation [sic] in both directions in such manner that their sum remains equal to the maximum value." This is not suppressing signals, this is having signals in the same band in both channels.

Claim 5 recites "blocking the signal in the corresponding band in the other channel from the channel output." The Petri et al. patent discloses that "All intermediary values bring about attenuation [sic] in both directions in such manner that their sum remains equal to the maximum value." This is not blocking signals, this is having signals in the same band in both channels.

Claims 7, 8, and 11 were rejected as unpatentable over Petri et al. in view of Berkley et al. The deficiencies of these two patents are detailed above. In combination, the defects are not overcome. There is no basis for the combination, and none is asserted, other than applicant's claims; *In re Rouffet* 47 USPQ2d 1453 (Fed. Cir. 1998).

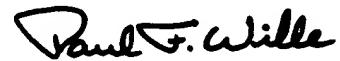
With respect to claim 7, the Examiner "maintains that it was well known in the art to provide determining the duration of a signal exceeding a threshold and not allocating the signal if it exceeds a predetermined period, as taught by Berkley." Where? Rejections must be based on evidence. Here there is none. The rejection is, therefore, fatally defective.

With respect to claim 8, the patents relied on do not disclose or suggest a first multiplex circuit, a second multiplex circuit, or a controller coupled to the multiplex circuits. The circuits alleged for these devices are structurally and functionally different and there is no basis for any modification to produce the claimed invention.

With respect to claim 11, the Examiner maintains that it was well known in the art "to provide for signal duration," whatever that might mean, as taught by Berkley." Where? Rejections must be based on evidence. Here there is none. The rejection is, therefore, fatally defective. The second and third clauses of claim 11 clearly distinguish over Petri et al. and Berkley et al., alone or in any combination.

The allowance in substance of some dependent claims is noted with appreciation. In view of the foregoing remarks, it is respectfully submitted that claims 1-12 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



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